

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the first day of March 2006, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman  
Rebecca Anderson, Member  
John Gober, Member  
Lawrence Korzeniewski, Member  
Michael Myszka, Member  
Steven Socha, Member  
Melvin Szymanski, Member

EXCUSED: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Robert Labenski, Town Engineer  
Jeffrey Simme, Building & Zoning Inspector  
John Dudziak, Deputy Town Attorney  
Mary Nowak, Recording Secretary

March 1, 2006

Planning Board Members: Stanley J. Keysa, Chairman  
Rebecca Anderson  
John P. Gober  
Lawrence Korzeniewski  
Michael Myszka  
Steven Socha  
Melvin Szymanski

Town Board Members: Robert H. Giza  
Daniel Amatura  
Mark A. Montour  
Ronald Ruffino, Sr.  
Donna G. Stempniak

Town Engineer: Robert Labenski

Deputy Town Attorney: John M. Dudziak

Highway Superintendent: Richard L. Reese, Jr.

Building & Zoning Inspector: Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held March 1, 2006. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Stanley J. Keysa  
Planning Board Chairman

SJK:mn

Meeting called to order by Chair Keysa at 7:30PM. Motion was made by Steven Socha to approve the minutes from the February 1, 2006 Planning Board Meeting. Motion was seconded by John Gober and unanimously carried.

- 3-1-36 Letter dated February 7, 2006 from Town Attorney transmitting copy of letter dated February 15, 2006 from Steven Doleski of NYS DEC to John Finster of EC Health with comments regarding Summerfield Farms Subdivision-Phase 4.
- 3-1-37 Letter dated February 28, 2006 from Barbara Plotnicki, 5722 Broadway expressing opposition to rezone of 5666 Broadway.

## **ACTION ITEMS -**

REZONE PETITION - NORTH SIDE OF BROADWAY JUST EAST OF THE VILLAGE LINE. PRESENT ZONING RCO FOR THE FIRST 300 FEET, R-1 FOR THE REMAINDER OF THE PROPERTY. PRESENT USE VACANT LAND, PROPOSED ZONING IS MFR3 FOR THE PROPOSED FOUR MULTI-FAMILY BUILDINGS. PROJECT NO. 5265. CONTACT PERSON: DESIGN WORKS, LLC.

Chair Keysa told the Planning Board that since he is representing owners of property near this parcel he would abstain from the vote on this project, but with the board's approval would remain as Chair for the presentation. The board unanimously agreed that Chair Keysa remain as Chair for this project.

An informal presentation for this project was presented at the December 21, 2005 Planning Board meeting. At that time the Planning Board required the topography maps for the adjacent parcels for comparison.

Mark Sutton, Dean & Sutton Architects provided the Planning Board with a rezone petition for the project on the approximately 15-acre parcel located on the north side of Broadway, east of the Village line. This project lies south of Plumb Bottom Creek that cuts through this property. The project consists of four condominium buildings with four units in each building. Each unit would be approximately 1,200 sq. ft. with a basement and an attached garage. The units would be owner-occupied. Mr. Sutton explained to the Planning Board that the plan shows the setbacks from the adjacent R-1 properties have been reduced to 25 feet and would require a variance from the Zoning Board of Appeals. Landscape barriers for sound and view will be constructed on both sides of the property. Drainage - Since this property slopes to the back, swales will run to the rear on both sides of the property. The Planning Board stated that Dept. of Environmental Conservation requirements would need to be met regarding the detention area and filtering. Mr. Sutton also stated that his project lies outside of the 100-year floodplain. Member Anderson said that the floodway line runs through the two proposed rear buildings and the floodway map would need to be amended by FEMA and approved by the Town of Lancaster. FEMA would need to be provided with the permit that allowed the fill to be placed in that are of the parcel in order to amend the floodway map. Mr. Sutton said that this matter can be researched. Chair Keysa referred to Com 3-1-20 from Village Mayor William Cansdale regarding the resolution from the Village Board opposing this rezone. Member Szymanski reminded the Planning Board of a rezone application for 5692 Broadway that came before the Planning Board in October 2004 for the purpose of constructing two fourplex buildings. The Planning Board recommended denial of that rezone, and that application was denied by the Town Board. Member Anderson stated that she appreciated the letters from the owners of the surrounding properties indicating their feelings regarding this project. Applicant was provided copies of many of the letters. Chair Keysa polled the Planning Board and a majority of the Planning Board recommended denial of the rezone.

## DETERMINATION

Based on the information presented to the Planning Board, Michael Myszka made a motion to recommend denial of the rezone to the Town Board for the following reasons: 1) Project is not in character with the neighboring properties, including the historic district of the adjacent village, 2) Project would be considered spot zoning. Motion seconded by Lawrence Korzeniewski and duly carried by a vote of 5 ayes and 1 nay, with Chair Keysa abstaining from the vote.

**SITE PLAN REVIEW - DUNKIN DONUTS RETAIL CENTER, SOUTHEAST CORNER OF TRANSIT ROAD AND FLIX DRIVE. PROJECT NO. 0603. CONTACT PERSON: TANNER LETO, JR., GENESEE ENGINEERING.**

William Szawransky and Tanner Leto, Jr., Genesee Engineering presented to the Planning Board the site plan review for the Dunkin Donuts Retail Center at the southeast corner of Transit Road and Flix Drive. The existing building on this parcel will be torn down and a free standing building will be constructed. The drive-thru shown on the plan will be curbed off and will stack 8 to 10 cars. Member Socha stated that other area donut shop drive thru areas are littered with discarded coffee cups. After a brief discussion the Planning Board stated that a garbage receptacle be provided for the drive-thru. Drainage - Mr. Szarwansky told the Planning Board that this project will not have a detention pond. The existing ditches around this parcel will be cleaned and maintained, and water will run through a small sediment trap before entering the culvert system under Transit Road. The Planning Board stated that a separator system in the drainage plan will be necessary. Landscaping - Chair Keysa referred to Com.3-1-17 from Crew Chief Terrence McCracken stating that more trees need to be planted along the north and east property lines. Lighting - The Planning Board stated that the submitted lighting plan will require flat lenses pointing downward. Light standards may not exceed 15 feet height..

## DETERMINATION

Based on the information presented to the Planning Board, John Gober made a motion to recommend approval of the site plan to the Town Board with the following conditions: 1) Landscape plan to be approved by Crew Chief Terrence McCracken, 2) Drainage plan to include separator system, 3) Garbage receptacle to be provided for drive thru, 4) Lighting to have flat lenses, pointing downward. Light standards not to exceed 15 feet height. Motion seconded by Melvin Szymanski and unanimously carried.

**PRELIMINARY PLAT PLAN REVIEW - NICHOLAS HEIGHTS SUBDIVISION, SOUTH SIDE OF WILLIAM STREET, WEST OF ROLLINGWOOD DRIVE, 43 SINGLE-FAMILY DWELLINGS. PROJECT NO. 2058. CONTACT PERSON: KEN ZOLLITSCH, GREENMAN-PEDERSEN, INC.**

William Tuyn, Greenman-Pedersen presented to the Planning Board the amended preliminary plat plan review for the Nicholas Heights Subdivision on the south side of William St., west of Rollingwood Dr. Mr. Tuyn explained to the Planning Board that since Natale Homes has decided to build the homes in this subdivision, slightly larger lots will be necessary. As a result, the original plan has been modified removing one building lot and reconfiguring the end lots. The amended plan shows 43 lots. The Planning Board stated that due to the reconfiguration of the end lots, driveway turnarounds will be necessary for lots 1, 2, & 35. Drainage-Mr. Tuyn stated that the plans for sanitary sewers have been submitted to Erie County Sewer Authority. He also told the

Planning Board that the stormwater will drain to the two wetted basins at the center portion of the site, and that the wetted basins will be owned by the Town. Both Chair Keysa and Councilmember Donna Stempniak stated that the Town of Lancaster would not accept conveyance of wetted ponds. It was suggested that a homeowners association be established for the express purpose of maintaining the wetted ponds. Mr. Natale stated that he would look into this situation. A question was raised as to whether this project would connect with Woodstream Drive. Mr. Natale said that at this time there are no plans for a connection, but that he was still open to discussion about it. The Planning Board stated that connection would be beneficial to the Town.

## DETERMINATION

Based on the information provided to the Planning Board, Steven Socha made a motion to recommend approval of the preliminary plat plan review to the Town Board with the following conditions: 1) Ownership and maintenance of the two drainage ponds still need to be addressed, 2) Lots 1, 2, & 35 to have turnarounds in driveways. Motion seconded by Rebecca Anderson and unanimously carried.

At 8:50 PM Michael Myszka made a motion to adjourn the meeting in memory of his aunt Dolores Koch. Motion was unanimously seconded and carried.